



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
Claimant ID	[REDACTED]	Claim ID	[REDACTED]
Claim Type	Business Economic Loss		
Law Firm	[REDACTED]		

II. DECISION

Select the Compensation Amount set forth in either BP's Final Proposal or the Claimant's Final Proposal as the final outcome on the claim and check the appropriate box to signify your decision.

<input type="checkbox"/> BP's Final Proposal	Compensation Amount	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$25,648.38
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0

III. PRIMARY BASIS FOR PANELIST DECISION

Please select the primary basis for your decision. You may also write a comment describing the basis for your decision.

- Error in documentation review.**
- Error in calculation.**
- Error in RTP multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment (optional):

BP appeals the BEL award of \$25,648.38 (pre-RTP) to a [REDACTED] Mississippi real estate agent. BP contends that the Claims Administrator failed to properly match revenue and expenses in accordance with Policy 495 and subsequently utilized the incorrect methodology (AVM vs. PSM). As has been addressed several times by the Appeals Panel, the Claims Administrator is required to evaluate a BEL claim by the seven criteria set forth in Policy 495 and, if the claimant's revenue and expenses are determined thereby to not be sufficiently matched,

select and apply the appropriate methodology described in the policy. The Claims Administrator did exactly that. Claimant's P&Ls were determined to not be sufficiently matched (triggering 4 out of the 7 criteria) and the claim was therefore processed using the AVM methodology. BP contend this was error and that the Professional Services Methodology should have been used; however, none of the NAICS codes listed in Attachment A to Policy 495 for which the PSM was designed apply to real estate agents. In this baseball process, BP has failed to show why its final proposal of \$0 is appropriate. Accordingly, the appeal is denied and the Claimant's final proposal is affirmed.